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EMPLOYMENT TRIBUNALS (SCOTLAND)

Held by Cloud Video Platform (CVP) on 29, 30 31 March 2021

Case No: 4106874/2020

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Employment Judge P Smith

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Mr D Aubertin

**Claimant
In Person**

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WHSmith Retail Holdings Limited

**Respondent
Represented by
Mr P Manson
Solicitor**

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JUDGMENT

1. The Claimant's claim of unfair dismissal is well-founded and succeeds.
- 30 2. The Claimant's basic award is reduced by a factor of 100% to reflect his culpable conduct prior to his dismissal.
3. The Claimant's compensatory award is reduced by a factor of 100% to reflect his contributory conduct.
- 35 4. The Claimant's compensatory award is reduced by a factor of 100% to reflect the chance he would have been dismissed in any event, under the rule in **Polkey**.

5. Reasons having been given orally at the hearing, written reasons will not be provided unless they were asked for at the hearing or are requested in writing within 14 days of the date of this judgment being set to the parties.

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Employment Judge: Paul Smith
Date of Judgment: 06 April 2021
Entered in register: 14 May 2021

10 and copied to parties

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